

**Central Administrative Tribunal
Principal Bench**

**CP 211/2017 IN
OA No.600/2016**

New Delhi, this the 18th day of September, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Ms. Praveen Mahajan, Member (A)**

Ms. Preeti Dongre
(Lecturer [(Interior Design/Decoration)])
D/o Sh. Namdeo Rao K. Dongre
R/o 22 MBIT Campus
Maharani Bagh, New Delhi

Aged around 44 years
Presently posted at:-
Meerabai Institute of Technology
Maharini Bagh, New Delhi.

..Applicant

(By Advocate: Shri Sourabh Ahuja)

Vs.

1. Ms. Puniya Salila Srivastava
Principal Secretary
Department of Training & Technical Education
GNCT of Delhi
Muni Maya Ram, Pitampura
Delhi-110088.

2. Mr. M.M. Kutty, Chief Secretary
GNCT of Delhi, Delhi Sachivalaya
Players Building
IP Estate, New Delhi.

...Respondents

(By Advocate: Shri N.K. Singh for Ms. Avnish Ahlawat)

ORDER (ORAL)

Justice Permod Kohli :-

Vide order dated 15.12.2016, a direction was issued to the respondents to settle the matter regarding consideration of the

applicant within three weeks. The compliance affidavit has been filed accompanying with an order dated 06.07.2017 whereby financial upgradation has been allowed to the applicant and various other candidates. The name of the applicant figures at Sl. No.28 and she has been granted benefit w.e.f. 30.09.2012. This benefit is, however, subject to the vigilance clearance. Shri Sourabh Ahuja, learned counsel, appearing for the applicant submits that the applicant has not been granted the arrears. Shri N.K. Singh, appearing as proxy counsel for Mrs. Avnish Ahlawat submits that once the clearance is obtained from the vigilance department, all consequential benefits shall be released to the applicant.

2. We observe that the entire benefits should be settled within a period of two months from today. With these observations, the present contempt proceedings are hereby dropped.

(Praveen Mahajan)
Member(A)

(Justice Permod Kohli)
Chairman

/vb/

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(i) And (ii) copy

This OA was decided vide judgment dated 31.03.2016 with the following directions:-

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The present OA has been filed seeking a direction to declare the result of the applicants who appeared in the selection test held on 31.08.2014 for the above mentioned post.

It is admitted case of the parties that consequent upon the judgment of this Tribunal, the applicants were granted relaxation in their upper age limit. Since the Tribunal had declined the prayer for taking into consideration the experience and the age having been relaxed, there does not seem to be any impediment for declaration of the results. Vide order dated 08.08.2017, a direction was issued to the respondents to produce the result in sealed cover. Shri____HanuBhaskar, learned counsel appearing for the respondents has today produced the result in the sealed cover. Since the result of all the candidates have been declared, we feel it appropriate that the result of these candidates may also be declared within a period of two weeks. Such of the candidates who fall within the merit may be appointed in accordance with law. Suffice it to say that in the event any of the candidate is appointed on the basis of his/her merit, he/she shall be entitled to the benefit of seniority in accordance with merits so attained in the process of selection and subject to fulfilling all the eligibility criteria. With these observations, this OA is disposed.

28.

Vide order dated 29.05.2015 passed in OA No.1885/2014 following directions were issued:-

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2. The directions having not been complied with, the present contempt proceedings have been initiated. The respondents have filed the compliance affidavit annexing thereto copy of an order dated 09.08.2017 whereby the applicant has been appointed on compassionate basis on the recommendations of the Circled Relaxation Committee and has been allotted Saharanpur Region.

3, In view of the aforesaid mentioned order, the directions stands complied with. Nothing survives. The present contempt proceedings are hereby dropped.

30.

It has been brought to our notice that after having restored the possession, wherefrom the applicant was evacuated, the applicant has himself voluntarily surrendered the possession. In this view of the matter this Contempt Petition does not survive. Proceedings dropped.

31.

Vide order dated 15.12.2016, a direction was issued to the respondents to settle the matter regarding the consideration of the applicant within three weeks. The compliance affidavit has been filed accompanying with an order dated 06.07.2017 whereby financial upgradation has been allowed to the applicant and various other candidates. The name of the applicant figures at Sl. No.28 and she has been granted benefit w.e.f. 30.03.2012. This benefit is, however, subject to the vigilance clearance. ShriSourabhAhuja, learned counsel appearing for the petitioner submits that the applicant has not been granted the arrears. Shri N.K. Singh, learned proxy counsel for Mrs. AvnishAhlawat submits that once the clearance is obtained from the vigilance department, all consequential benefits shall be allowed to the applicant. We observe that the entire benefit should be settled within a period of two months from today. With these observations, the present Contempt Proceedings are hereby dropped.

46.

MA

Issue notice.

Accepts notice.

The grievance of the applicant is that the post of Chief Engineer (Civil) is sought to be filled up by deputation only vide vacancy notice dated 11.07.2016. Shri B--- has referred to the recruitment rules which *inter alia* prescribe the post to be filled up by promotion failing which by deputation.

Objections, if any, be filed within two weeks. In the meantime, the respondents are directed not to pass the final order pursuant to the vacancy notice dated 11.07.2017 till the next date of hearing.

List on 11.10.2017.

OA

Reply of respondent NO.3 is already on record. Other respondents may file their reply within four weeks. Rejoinder, if any, may be filed within two weeks thereafter.

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MA No338/2017

Reply has been filed.

Heard the learned counsel for the parties.

Through the medium of this MA, the applicant seeks leave of the Tribunal to place on record three documents: (i) Minutes of the DPC held on 20.04.2005 (ii) Communication dated 08.09.2016 whereby information through RTI was granted to the applicant and (iii) the recruitment rules.

Shri A.K. Singh, learned counsel appearing for the respondents vehemently opposes the prayer made in the Application. His contention is that the information supplied to the applicant is not correct. The nature of documents clearly suggest that these are basically the public documents which are otherwise in public domain. The documents are also considered to be relevant for the purposes of effective adjudication of the controversy involved in the main OA. Whether the information supplied was correct or not is a different question which can be examined during the course of hearing.

For the above reasons, this MA is allowed. The documents are taken on record.

OA

Post for final arguments on 26.09.2017.

